IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 8433 of 2000

Between:

Velpula Akkamma, W/o. V.Pedda Narsimhulu, aged 43 years,
R/o.Chinnarasupalli, H/o.Padamatikona Village, Chinnamandem Mandal,
Cuddapah District.

..... PETITIONER

AND

1.The Dist Collector, Cuddapah.
2.The Joint Collector, Cuddapah.
3.The Revenue Divisional Officer, Cuddapah District, Cuddapah.
4.The Mandal Revenue Officer, Chinnamandem, Chinnamandem Mandal,
Cuddapah Dist.
5.Smt.Geetha Yadav, W/o. Ramanjaneyulu, aged 26 years,
R/o.Chinnarasupalli, H/o.Padmatikona Village, Chinnamandem Mandal,
Cuddapah District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus , declaring the order passed by the 1st respondent in his proceedings No.Roc.No.H3(a)2494/96, Dt:31-3-2000 confirming the order of the 2nd respondent passed in his proceedings .No.H3(a)2458/95, dated 13-3-1996 directing the 3rd respondent to re-notify the vacancy though the petitioner is fully qualified as per the guidelines as illegal , arbitrary and without jurisdiction and consequently set aside the above said orders and allow the writ petitioner to distribute the essential commodities to the card holders of Chinnarasupalli, H/o.Padamatikona Village , Chinnamandem Mandal , Cuddapah District.

Counsel for the Petitioner: MR.G.DASARADHA RAMI REDDY

Counsel for the Respondents 1 to 4: GP for Civil Supplies

Counsel for the Respondent No.5: MR.A.PRABHAKAR SARMA

The Court made the following:

ORAL ORDER:

Consequent on creation of a new fair price shop at Chinnarasupalli, hamlet of Padamatikona village, of Chinnamandem Mandal, Cuddapah District, a notification was issued inviting applications from the eligible candidates for filling up of the vacancy on regular basis. In response to the said notification, the petitioner as well as the fifth respondent applied for appointment as fair price shop dealer of the said shop notified.

The Revenue Divisional Officer, Cuddapah by proceedings in reference No.E/3814/94, dated 23.03.1995, considered the merits and demerits of the candidates and preferred the petitioner to be appointed as fair price shop dealer as she has more solvent than the fifth respondent. It was also held that the fifth respondent passed 9th class and the petitioner passed 8th class as per the certificates produced by them.

Aggrieved by the same, the fifth respondent carried the matter in appeal before the Joint Collector, Cuddapah, contending that the Revenue Divisional Officer, Cuddapah, has not conducted any interview to ascertain the eligibility, and merits and demerits of the candidates, and she is more suitable, but whereas the petitioner produced false educational qualification certificate and she is over aged.

The Joint Collector, Cuddapah, being the appellate

authority, in exercise of the powers that of the original authority, proceeded to verify the academic status of the petitioner, and called upon the petitioner to write her name and address before him. But she failed to write her address correctly which went to show that the educational qualification certificate produced by the petitioner to the effect that she studied upto 8th class is doubtful one, when she is unable to write her name and address correctly and held that she cannot maintain the records of the fair price shop properly. Therefore, it was held that the appointment of the petitioner as fair price shop dealer by the Revenue Divisional Officer, Cuddapah is without ascertaining the merits and demerits of the candidates including that of the fifth respondent, who filed an appeal, and the Revenue Divisional Officer, Cuddapah was directed to re-notify the vacancy of fair price shop dealership by calling fresh applications and to select the candidates as per the guidelines issued by the Government.

Aggrieved by the same, the petitioner carried the matter in revision before the District Collector, Cuddapah, who accepted the finding of the Joint Collector, Cuddapah, that the petitioner is unable to write her address correctly and the educational qualification certificate produced by her is doubtful, affirmed the course adopted by the Joint Collector, Cuddapah and dismissed the revision petition.

Assailing the correctness of the orders passed by the Joint Collector, Cuddapah, as affirmed by the District Collector, Cuddapah, the present writ petition is filed.

Learned counsel for the petitioner contends that once the petitioner produced certificate to show that she studied upto 8th class, which was accepted by the appointing authority, the Joint Collector, Cuddapah without conducting

enquiry into the correctness of the said certificate committed an error in setting aside the appointment of the petitioner when she continued to distribute the essential commodities during the pendency of the appeal. The original authority without considering the said aspect simply affirmed the finding and the course adopted by the appellate authority ordering review notification.

In fact, the Joint Collector, Cuddapah recorded a finding that he called upon the petitioner to write her address correctly to assess her suitability to maintain the records properly, and found that the petitioner is unable to write her address correctly and disbelieved that she studied upto 8th class, which course was not adopted by the Revenue Divisional Officer, Cuddapah while assessing the merits and demerits of the candidates. Since being the appellate authority in exercise of the powers of original authority, the course adopted by the Joint Collector, Cuddapah in assessing the suitability of the petitioner, cannot be found fault with and in view of the same, the impugned order passed by the Joint Collector, Cuddapah, as affirmed by the District Collector, Cuddapah, do not suffer from any infirmity.

In view of the same, I do not see any infirmity in the procedure adopted and the reasons assigned for allowing the appeal by the Joint Collector, Cuddapah, and as affirmed by the Revisional Authority. Hence, the writ petition fails and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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28th June, 2004.

***Nsr**

To

1. The District Collector, Cuddapah.
2. The Joint Collector, Cuddapah.
3. The Revenue Divisional Officer, Cuddapah District, Cuddapah.
4. The Mandal Revenue Officer, Chinnamandem, Chinnamandem Mandal, Cuddapah District.
5. Two CCs to G.P for Civil Supplies, High Court Buildings, Hyderabad (OUT)
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